

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

-----X	:	
JEAN ROBERT SAINT-JEAN, EDITH SAINT-	:	
JEAN, FELEX SAINTIL, YANICK SAINTIL,	:	
LINDA COMMODORE, BEVERLEY SMALL,	:	Hon. Sterling Johnson, Jr.
JEANETTE SMALL, AND FELIPE HOWELL,	:	
	:	
Plaintiffs,	:	
	:	Case No. 11-cv-02122 (SJ) (RLM)
-v-	:	
	:	
EMIGRANT MORTGAGE COMPANY AND	:	
EMIGRANT BANK,	:	
	:	<u>DEFENDANTS' PROPOSED</u>
	:	<u>SPECIAL VERDICT FORM</u>
Defendants.	:	
	:	
-----X	:	

Defendants, by and through their undersigned counsel, submit the attached Proposed Special Verdict Form.

Defendants reserve the right to modify, amend or supplement their Proposed Special Verdict Form based on the Court's rulings and the parties' motions *in limine*, evidence presented at trial and in accordance with the rules and practices of the Court.

Dated: March 19, 2019
New York, New York

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Respectfully submitted,

/s/ Bettina B. Plevan
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Emigrant Mortgage Company and Emigrant Bank*

SPECIAL VERDICT FORM

INTRODUCTION

In Phase One of your deliberations, you are to determine whether Plaintiffs have proven by a preponderance of the credible evidence that the loans that they received from Emigrant Bank and/or Emigrant Mortgage Company caused them any actual or nominal compensatory damages. After you complete Phase One of this Special Verdict Form, please sign and return the form to the Court. The case will then proceed to Phase Two.

In Phase Two, you are to determine whether Yanick and Felex Saintil have proven by a preponderance of the credible evidence that Emigrant Bank and/or Emigrant Mortgage Company acted with willful or wanton negligence or recklessness or that Emigrant acted with a conscious or reckless disregard of the Saintils' civil rights. After you complete Phase Two of this Special Verdict Form, please sign and return the form to the Court. If you answer "yes" to either of the questions in Phase Two, the case will then proceed to Phase Three.

In Phase Three, you are to determine what amount of punitive damages, if any, you award Yanick and Felex Saintil.

PHASE ONE: ACTUAL OR NOMINAL COMPENSATORY DAMAGES

Jean Robert and Edith Saint-Jean

1. What amount of compensatory damages, if any, did Jean Robert and Edith Saint-Jean prove by a preponderance of the credible evidence that they suffered as a result of the loan that they received from Emigrant Bank and/or Emigrant Mortgage Company? If you find Jean Robert and Edith Saint-Jean have not proven by a preponderance of the credible evidence that the loan caused them any compensatory damages, please enter "ZERO."

\$ _____

If you award Jean Robert and Edith Saint-Jean ZERO damages, you must answer Question 2, otherwise, you must skip to Question 3.

2. Please enter the amount of nominal damages you award Jean Robert and Edith Saint-Jean (not to exceed a token sum, usually of \$1):

\$ _____

Yanick and Felex Saintil

3. What amount of compensatory damages, if any, did Yanick and Felex Saintil prove by a preponderance of the credible evidence that they suffered as a result of the loan that they received from Emigrant Bank and/or Emigrant Mortgage Company? If you find Yanick and Felex Saintil have not proven by a preponderance of the credible evidence that the loan caused them any compensatory damages, please enter "ZERO."

\$ _____

If you award Yanick and Felex Saintil ZERO damages, you must answer Question 4, otherwise, you must skip to Question 5.

4. Please enter the amount of nominal damages you award Yanick and Felex Saintil (not to exceed a token sum, usually of \$1):

\$ _____

Beverley and Jeanette Small

5. What amount of compensatory damages, if any, did Beverley and Jeanette Small prove by a preponderance of the credible evidence that they suffered as a result of the loan that they received from Emigrant Bank and/or Emigrant Mortgage Company? If you find

Beverley and Jeanette Small have not proven by a preponderance of the credible evidence that the loan caused them any compensatory damages, please enter "ZERO."

\$ _____

If you award Beverley and Jeanette Small ZERO damages, you must answer Question 6, otherwise, you must skip to Question 7.

6. Please enter the amount of nominal damages you award Beverley and Jeanette Small (not to exceed a token sum, usually of \$1):

\$ _____

Linda Commodore

7. What amount of compensatory damages, if any, did Linda Commodore prove by a preponderance of the credible evidence that she suffered as a result of the loan that she received from Emigrant Bank and/or Emigrant Mortgage Company? If you find Linda Commodore has not proven by a preponderance of the credible evidence that the loan caused her any compensatory damages, please enter "ZERO."

\$ _____

If you award Linda Commodore ZERO damages, you must answer Question 8, otherwise, you must skip to Question 9.

8. Please enter the amount of nominal damages you award Linda Commodore (not to exceed a token sum, usually of \$1):

\$ _____

Felipe Howell

9. What amount of compensatory damages, if any, did Felipe Howell prove by a preponderance of the credible evidence that he suffered as a result of the loan that he received from Emigrant Bank and/or Emigrant Mortgage Company? If you find Felipe Howell has not proven by a preponderance of the credible evidence that the loan caused him any compensatory damages, please enter "ZERO."

\$ _____

If you award Felipe Howell ZERO damages, you must answer Question 10, otherwise, you must sign the form and return it to the Court.

10. Please enter the amount of nominal damages you award Felipe Howell (not to exceed a token sum, usually of \$1):

\$ _____

Your deliberations regarding Phase One are complete.

The Foreperson should sign and date the verdict form below and report to the Court.

Dated this ____ day of _____, 2019

Foreperson

PHASE TWO: LIABILITY FOR PUNITIVE DAMAGES

1. Do you find that Emigrant Bank and/or Emigrant Mortgage Company acted with willful or wanton negligence or recklessness or that Emigrant acted with a conscious or reckless disregard of the Saintils' civil rights?

Yes _____

No _____

Your deliberations regarding Phase Two are complete.

The Foreperson should sign and date the verdict form below and report to the Court.

Dated this ____ day of _____, 2019

Foreperson

PHASE THREE: AWARD OF PUNITIVE DAMAGES

1. What amount of punitive damages, if any, do you award to Felex and Yanick Saintil against Emigrant Bank and Emigrant Mortgage Company?

\$ _____

Your deliberations regarding Phase Three are complete.

The Foreperson should sign and date the verdict form below and report to the Court.

Dated this ____ day of _____, 2019

Foreperson